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CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			HECK, MICHAEL C	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No. 09/608,356	Applicant(s) SMIRNOV, YURI	
	Examiner Michael C. Heck	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35,39,40 and 50-130 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 40,65-67 and 76-82 is/are allowed.
- 6) ☒ Claim(s) 35,39,50-60,62,64,68,69,72-75,83-96,98-107,109-122 and 124-130 is/are rejected.
- 7) ☒ Claim(s) 61,63,70,71,97,108 and 123 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 October 2004 has been entered.
2. The following is a First Office Action in response to the request for continued examination filed 15 November 2004. Applicant amended claims 35, 39, 40, 51, 57, 60, 68, 70, 71, 83, 96, 98, 99, 102-108, 110, 111, 115, 117, 118, 121, 125, 129, and 130. Claims 35, 39, 40 and 50-130 are pending in this application and have been examined on the merits as discussed below.

Response to Amendment

3. The 35 USC § 112 second paragraph rejection in the Final Office Action for claims 40, 65-67, 68-75, 83, 84, 98-113, 115, 116, 118, and 121-130 are withdrawn in response to the applicant's amendment to the claims, however, claims 70 and 71 as amended did not rectify the basis of the 35 USC § 112 second paragraph rejection. Please see the 35 USC § 112 second paragraph rejection below. Also, please see the claim objection below for claim 71.

4. The 35 USC § 112 second paragraph rejection in the Final Office Action for claims 39, 40, 62-67, 76-82 and 98-110 are withdrawn in response to the applicant's amendment to the claims and argument.

Response to Arguments

5. Applicant's arguments filed 15 October 2004 regarding the finality of the Final Office Action dated 12 August 2004 have been fully considered but they are not persuasive. Applicant asserts the Examiner does not provide a basis for the rejection of Claim 117. Also the applicant asserts the Examiner rejected claim 35 under 35 U.S.C. § 103(a) in view of "new" art, that is Dilger (Dilger, Design by Desire, Manufacturing Systems, Vol. 16, Issue 3, March 1998, p. 62 [PROQUEST]) without the applicant making an amendment to the claim. Additionally, the applicant points out that claims 111, 115 and 118 are identical to claims previously canceled and they were rejected under 35 U.S.C. § 112 and under 35 U.S.C. § 103(a) in view of art including Dilger. In response and as pointed out in the Advisory Action dated 01 November 2004, claim 117 is rejected on page 34-35 of the Final Office Action of 12 August 2004. The Final Action of 12 August 2004 clearly indicate that Teresko et al. Teresko et al. (Teresko et al., Calico Technology: Concinity configuration/quotation system, Industry Week, Vol. 245, issue 23, December 16, 1996, p. 24-26 [PROQUEST]) and Dilger both refer to Calico Technology's Concinity System. Regarding the restoration of canceled matter, 37 C.F.R 1.121(c)(5) and MPEP § 608.01(s) specifically states, "A claim canceled by

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amendment (deleted in its entirety) may be reinstated only by a subsequent amendment presenting the claim as a "new" claim with a new claim number."

6. Applicant's arguments with respect to claims 35, 50, 51, 55, 56, 60, 61, 68, 69, 72-74, 83-87, 91, 92, 96-99, 103-110, 118, 119, 129, and 130 have been considered but are moot in view of the new ground(s) of rejection. Henson (U.S. Patent 6,167,383) in view of Kennedy (UK Patent Application GB 2,302,427 A) addresses the limitations of the amended claims. Please see the 35 U.S.C. § 103(a) rejections below.

7. Applicant's arguments with respect to claims 39, 52-54, 57-59, 62-64, 75, 88-90, 93-95, 100-102, 111-117, and 120-128 have been considered but are moot in view of the new ground(s) of rejection. Henson (U.S. Patent 6,167,383), Kennedy (UK Patent Application GB 2,302,427 A) and Conklin et al. (U.S. Patent 6,141,653) address the limitations of the amended claims. Please see the 35 U.S.C. § 103(a) rejections below.

Specification

8. The disclosure is objected to because of the following informalities:

- On page 12 (amended paragraph), delete "(e.g., an integrated services digital network line, a digital subscriber line, a T1 line, a cable line, or other known on-line connections types.", and insert --"(e.g., an integrated services digital network line, a digital subscriber line, a T1 line, a cable line, or other known on-line connections types). --.
- On page 18, line 20, delete "pricing BOM 310", and insert -- pricing BOM **325** --.

The above citation is a mere guide. Applicant is requested to review the specification thoroughly to eliminate additional errors. Appropriate correction is required.

Claim Objections

9. **Claim 71** is objected to because of the following informalities: the claim limitations of "providing to the customer a determined second availability date of the product; providing to the customer a first product price associated with the first availability date of the product; providing to the customer a second product price associated with the second availability date of the product" are repeated in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. **Claims 70 and 71** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 70 and 70 the applicant uses "supplier" to identify patentable distinct characteristics of an organization involved in executing the claimed invention, however, those distinct organizations are not made clear in the claims as written. The specification uses "supplier" in a variety of ways making the definition of supplier not clear, i.e., the function of supplying or a specific business entity. For example, in describing the related art, the applicant states: "a

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manufacturer provides to the seller a price and availability quote estimating when the ordered product will be ready. The supplier can then give a price and availability quote to the customer" (p. 3, line 20-22). As indicated, supplier could mean a manufacturer, seller, or both, but distinct from the customer entity. The specification goes on, reiterates the distinction, and identifies three distinct classes of people or functions involved in the claimed invention by stating: "The present invention allows for greater flexibility in the relationship between consumers, product sellers and manufacturers" (p. 6, lines 1-2) with no mention of supplier, however, the distinction is not maintained throughout the balance of the specification. For example, the applicant states the configuration system in accordance with one embodiment of the present invention is comprised of a user interface, a configuration engine, a supplier system (e.g., a ERP/SCP system or other resource planning system), and an inventory library (p. 9, lines 19-22). No mention is made of a product seller or manufacturer. The examiner notes the applicant earlier in the specification identified the user as the consumer. The reference to ERP/SCP system or other resource planning system seems to imply a system employed by a manufacturing business. The applicant does not differentiate a supplier from a seller when describing the system configuration options that may arise depending on the nature of the business involved and the relationship between the parties involved (e.g., consumer, retailer, wholesaler, manufacturer, distributor, or vendor to manufacturer) (p. 12, amended lines 6-9). In other words, the consumer is a distinct entity and function, but the retailer, wholesaler, manufacturer, distributor, or vendor to manufacturer, were not classified into a functional category of product seller

and manufacturer. That is, the three categories of consumers, product sellers and manufacturers indicate a function whereas a retailer, wholesaler, manufacturer, distributor, or vendor to manufacturer indicates a "party" or type of business. In other words, any one of the businesses except consumer that are named above can perform the product seller function, manufacturer function, and/or supplier function. Therefore, for examination purposes, the examiner interprets seller, retailer, wholesaler, manufacturer, distributor, or vendor to manufacturer and supplier as being synonymous.

12. **Claim 70** is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 70 recites the limitation "a plurality of availability dates, each of the plurality of availability dates associated with a different price of the selected feature" in lines 16-18. There is insufficient antecedent basis for this limitation in the claim. The claim in lines 7-9 states, "receiving from the supplier system an automated response to the communicated received selection, the automated response including an availability date of the selected feature" where the availability date is only one date, however the last lines of the claim indicate a plurality of availability dates are associated with a different price of the selected feature. It is not clear where the plurality of availability dates come from.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. **Claim 35, 50-51, 55-56, 60, 68-69, 72-74, 83-87, 91-92, 96, 98-99, 103-107, 109-110, and 118-119** are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson (U.S. Patent 6,167,383) in view of Kennedy (UK Patent Application GB 2,302,427 A). Henson discloses extended product configuration techniques comprising:

- **[Claim 35]** receiving into a configuration application of the seller a selected feature (col. 2, lines 61-67, and col. 6, lines 31-43, Henson teaches a web-based online store having a user interface for enabling a custom configuration of a computer system that includes a configurator. The configurator is provided for configuring a computer system with options selected according to a prescribed user input.);
- updating an in-process bill of materials to reflect the selected feature and the availability date (col. 6, line 18-67, Henson teaches a customer of the online store can build a customer configured machine by selecting from options listed on the configuration screen. Upon obtaining a desired configuration, a customer could then select the "ADD TO CART" icon to add the configured system to the shopping cart. An on-line store application includes configuration, pricing, validation, shipment delay indication, and merchandising modules. The shipment delay indicator provides the customer with any lead-time warnings or shipment delays which would occur as a result of the selection of specific options. The warning icon and associated messaging are made present in the configurator once an update/refresh of the web page has been requested. Online shoppers can click on the warning icon and receive a manually maintained listing of all items currently marked as significantly extending system delivery with an estimated time to delivery. The Examiner interprets the process of configuring a machine to be the process of updating an in-process bill of material and that the shipment delay indication relates to the availability date of a selected feature that is maintained as part of the configured product.).

Henson fails to disclose communicating from the seller to a manufacturer the selected feature, receiving from the manufacturer over the Internet an automated response to the communicated selected feature, and wherein the availability date received from the manufacturer over the Internet is provided to or by a supply chain planning (SCP) system. Henson teaches a web-based online store and an automated response including an availability date as indicated above. Kennedy teaches at least one seller model representing a seller that is selling at least one product, the seller model operable to forecast for the at least one product and operable to choose commitment levels creating forecast requests; the forecast requests receiving promises made by supplier sites; and the promises available to the seller entity to promise to actual customer requests. The managing of a supply chain model represents a chain of supply, the supply chain model comprising: site models that represent sites having capacity and that manage material flow; and seller models that represent sellers and that manage forecasting and purchasing; wherein commitments between sites is modeled by requests and promises; and wherein the seller can post requests on behalf of sites in anticipation of future requests from the sites. The requesting facilities each store forecast orders in a memory of a computer at the requesting facility. The forecast orders include request information, which includes the quantity (or range of quantities) of product requests from the supplying facility and the date (or range of dates) it is needed. A master scheduling software system may be used to selectively plan use of, for example, manufacturing capacity or the supplying facility to meet selected forecast orders based on predetermined criteria. If a feasible and desirable plan can be devised

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that satisfies the request, then the supplier may make a promise to the customer that he supplier will satisfy the request. The promises to meet the selected forecast orders may be transmitted directly to the customers over a computer network (p. 4, lines 17-35 and p. 5, line 23 to p. 6, line 4). It would have been obvious to one of ordinary skill in the art at the time of the applicants invention to include the process of managing available-to-promise (ATP) and making promises to fulfill customer requests of Kennedy with the teaching of Henson since Henson teach responsiveness (availability and speed) to customer requests (col. 3, lines 51-54). Being responsive to customer needs and then meeting commitments is a cornerstone for companies to maintain a strong customer base. Uncertainty leads to companies being non-responsive and missing their commitments. Eliminating the uncertainty, such as, communicating the customer's demands to all concerned, allows for companies to identify issues prior to making the commitment the customer will rely on. Kennedy teaches an entire distributed organization of suppliers and customers can be modeled along with the request and promises placed between them. In this way, planners can view, manage, and plan the activity of a whole network where the interfaces between elements must be formal (separate organizations) (p. 7, lines 17-23). Henson teaches the online store advantageously improves accuracy, reliability, and overall quality of an online buying experience. The online store is optimized for responsiveness (availability and speed) to customer requests and for completeness in servicing customer demand for personal computer related information (col. 3, lines 45-54). Therefore, with issues identified

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and/or eliminated, companies can be responsive to customer demands and meet their commitments.

- **[Claim 50]** repeating the steps of receiving into a configuration application a selected feature, communicating to a manufacturer the selected feature, receiving from the manufacturer an automated response including an availability date, and updating a number of times until the configuration is complete thereby yielding a completed bill of materials (Henson: col. 6, line 18-67, Henson teaches a customer of the online store can build a customer configured machine by selecting from options listed on the configuration screen. Upon obtaining a desired configuration, a customer could then select the "ADD TO CART" icon to add the configured system to the shopping cart. An on-line store application includes configuration, pricing, validation, shipment delay indication, and merchandising modules. The shipment delay indicator provides the customer with any lead-time warnings or shipment delays which would occur as a result of the selection of specific options. The warning icon and associated messaging are made present in the configurator once an update/refresh of the web page has been requested. Online shoppers can click on the warning icon and receive a manually maintained listing of all items currently marked as significantly extending system delivery with an estimated time to delivery. The Examiner interprets the process of configuring a machine to be the process of updating an in-process bill of material and that the shipment delay indication relates to the availability date of a selected feature that is maintained as part of the configured product. Kennedy: p. 7, lines 17-23, Kennedy teaches an entire distributed organization of suppliers and customers can be modeled along with the request and promises placed between them. In this way, planners can view, manage, and plan the activity of a whole network where the interfaces between elements must be formal (separate organizations)).
- **[Claim 51]** communicating the selected feature to a vendor (Kennedy: p. 7, lines 17-23, Kennedy teaches an entire distributed organization of suppliers and customers can be modeled along with the request and promises placed between them. In this way, planners can view, manage, and plan the activity of a whole network where the interfaces between elements must be formal (separate organizations)).
- **[Claim 55]** deriving, from the in-process bill of materials, an in-process manufacturing bill of materials that reflects the received availability date that corresponds to the selected feature (Henson: col. 6, line 18-67, Henson teaches a customer of the online store can build a customer configured machine by selecting from options listed on the configuration screen. Upon obtaining a desired configuration, a customer could then select the "ADD TO

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CART" icon to add the configured system to the shopping cart. An on-line store application includes configuration, pricing, validation, shipment delay indication, and merchandising modules. The shipment delay indicator provides the customer with any lead-time warnings or shipment delays which would occur as a result of the selection of specific options. The warning icon and associated messaging are made present in the configurator once an update/refresh of the web page has been requested. Online shoppers can click on the warning icon and receive a manually maintained listing of all items currently marked as significantly extending system delivery with an estimated time to delivery. The Examiner interprets the process of configuring a machine to be the process of updating an in-process bill of material and that the shipment delay indication relates to the availability date of a selected feature that is maintained as part of the configured product.).

- **[Claim 56]** receiving a price that corresponds to the selected feature (Henson: col. 2, line 61 through to col. 3, line 12, Henson teaches a web-based online store enabling a customer to custom configure a computer system where options and a respective price for each option is presented).
- **[Claim 60]** a relationship between the customer and the seller has a configuration side associated with the customer, and a resource planning side associated with the seller, and the customer-seller relationship is respectively one of a consumer-seller relationship, a seller-supplier relationship and a supplier-vendor relationship (Kennedy: p. 4, lines 17-35 and p. 5, line 23 to p. 6, line 4, Kennedy teaches the managing of a supply chain model represents a chain of supply, the supply chain model comprising: site models that represent sites having capacity and that manage material flow; and seller models that represents sellers and that manage forecasting and purchasing; wherein commitments between sites is modeled by requests and promises; and wherein the seller can post requests on behalf of sites in anticipation of future requests from the sites. The requesting facilities each store forecast orders in a memory of a computer at the requesting facility. The forecast orders include request information, which includes the quantity (or range of quantities) of product requests from the supplying facility and the date (or range of dates) it is needed. A master scheduling software system may be used to selectively plan use of, for example, manufacturing capacity or the supplying facility to meet selected forecast orders based on predetermined criteria. If a feasible and desirable plan can be devised that satisfies the request, then the supplier may make a promise to the customer that he supplier will satisfy the request. The promises to meet the selected forecast orders may be transmitted directly to the customers over a computer network. The Examiner interprets the above relationship is a seller-supplier relationship.).

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- **[Claim 68]** receiving, from a customer, a selection of a feature of the product at a configuration application of a seller of the product, the seller being a seller of the product to the customer (Henson: col. 2, lines 61-67, and col. 6, lines 31-43, Henson teaches a web-based online store having a user interface for enabling a custom configuration of a computer system that includes a configurator. The configurator is provided for configuring a computer system with options selected according to a prescribed user input. Inherently, the on-line store application and system is of the seller of the product.);
- communicating the received selection from the configuration application to a supplier system of a supplier to the seller (Kennedy: p. 4, lines 17-35 and p. 5, line 23 to p. 6, line 4, Kennedy teaches the managing of a supply chain model represents a chain of supply, the supply chain model comprising: site models that represent sites having capacity and that manage material flow; and seller models that represents sellers and that manage forecasting and purchasing; wherein commitments between sites is modeled by requests and promises; and wherein the seller can post requests on behalf of sites in anticipation of future requests from the sites. The requesting facilities each store forecast orders in a memory of a computer at the requesting facility. The forecast orders include request information, which includes the quantity (or range of quantities) of product requests from the supplying facility and the date (or range of dates) it is needed. A master scheduling software system may be used to selectively plan use of, for example, manufacturing capacity or the supplying facility to meet selected forecast orders based on predetermined criteria. If a feasible and desirable plan can be devised that satisfies the request, then the supplier may make a promise to the customer that he supplier will satisfy the request. The promises to meet the selected forecast orders may be transmitted directly to the customers over a computer network.);
- receiving from the supplier system an automated response to the communicated received selection, the automated response including an availability date of the selected feature (Kennedy: p. 4, lines 17-35 and p. 5, line 23 to p. 6, line 4, Kennedy teaches the managing of a supply chain model represents a chain of supply, the supply chain model comprising: site models that represent sites having capacity and that manage material flow; and seller models that represents sellers and that manage forecasting and purchasing; wherein commitments between sites is modeled by requests and promises; and wherein the seller can post requests on behalf of sites in anticipation of future requests from the sites. The requesting facilities each store forecast orders in a memory of a computer at the requesting facility. The forecast orders include request information, which includes the quantity (or range of quantities) of product requests from the supplying facility and the date (or

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- range of dates) it is needed. A master scheduling software system may be used to selectively plan use of, for example, manufacturing capacity or the supplying facility to meet selected forecast orders based on predetermined criteria. If a feasible and desirable plan can be devised that satisfies the request, then the supplier may make a promise to the customer that he supplier will satisfy the request. The promises to meet the selected forecast orders may be transmitted directly to the customers over a computer network.);
- updating an in-process bill of materials based upon the availability date of the selected feature (Henson: col. 5, line 55 through to col. 6, line 30, Henson teaches the configurator, shopping cart, and checkout are part of the commerce application and are driven by the database. The customer via the online store builds a custom configured machine by selecting from the options listed on the configuration screen. Upon obtaining a desired configuration, a customer adds the configured system to the shopping cart. Inherently, as the customer selects the features desired, the configuration or in-process bill of material is updated.); and
 - using the updated in-process bill of materials to determine a first availability date of the product, the first availability date of the product being based on at least the availability date of the selected feature (Henson: col. 6, lines 31-67, Henson teaches an on-line store application which includes configuration, pricing, validation, shipment delay indication, and merchandising modules. The shipment delay indicator provides the customer with any lead-time warnings or shipment delays which would occur as a result of the selection of specific options. The warning icon is presented to the online shopper upon the selection of a system option that has been identified as having a significant impact on the time to delivery of the system of interest.); and
 - providing the first availability date of the product to the customer (Henson: col. 6, lines 31-67, Henson teaches the online store application includes configuration, pricing, validation, shipment delay indication, and merchandising modules. Online shoppers can click on the warning icon and receive a manually-maintained listing of all items currently marked as significantly extending system delivery with an estimated time to delivery.);
 - **[Claim 69]** the automated response is generated by a manufacturer of the selected feature (Kennedy: p. 4, lines 17-35 and p. 5, line 23 to p. 6, line 4, Kennedy teaches the managing of a supply chain model represents a chain of supply, the supply chain model comprising: site models that represent sites having capacity and that manage material flow; and seller models that represents sellers and that manage forecasting and purchasing; wherein

commitments between sites is modeled by requests and promises; and wherein the seller can post requests on behalf of sites in anticipation of future requests from the sites. The requesting facilities each store forecast orders in a memory of a computer at the requesting facility. The forecast orders include request information, which includes the quantity (or range of quantities) of product requests from the supplying facility and the date (or range of dates) it is needed. A master scheduling software system may be used to selectively plan use of, for example, manufacturing capacity or the supplying facility to meet selected forecast orders based on predetermined criteria. If a feasible and desirable plan can be devised that satisfies the request, then the supplier may make a promise to the customer that he supplier will satisfy the request. The promises to meet the selected forecast orders may be transmitted directly to the customers over a computer network.),

- **[Claim 72]** the first availability date of the product, determined using the updated in-process bill of materials, is further based on an availability date of another selectable feature (Henson: col. 2, line 61 through to col. 3, line 12, col. 6, lines 31-67, Henson teaches a web-based online store enabling a customer to custom configure a computer system where options and a respective price for each option is presented. The online store application includes configuration, pricing, validation, shipment delay indication, and merchandising modules. Online shoppers can click on the warning icon and receive a manually maintained listing of all items currently marked as significantly extending system delivery with an estimated time to delivery.).
- **[Claim 73]** receiving, at the configuration application, a feature price that corresponds to the selected feature (Henson: col. 2, line 61 through to col. 3, line 12, Henson teaches a web-based online store enabling a customer to custom configure a computer system where options and a respective price for each option is presented).
- **[Claim 74]** updating a product price responsive to the received feature price, and providing the updated product price to the customer (Henson: col. 6, lines 21-25, Henson teaches the pricing option module includes an update pricing function. The update price function causes the price displayed on the configuration screen to reflect any changes made to the system options).
- **[Claim 83]** receiving, from a customer, a selection of a feature of the product, at a configuration application of a seller of the product (Henson: col. 2, lines 61-67, and col. 6, lines 31-43, Henson teaches a web-based online store having a user interface for enabling a custom configuration of a computer system that includes a configurator. The configurator is provided for configuring a computer system with options selected according to a

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prescribed user input. Inherently, the on-line store application and system is of the seller of the product.);

- communicating the received selection from the configuration application to a supplier system of a manufacturer (Kennedy: p. 4, lines 17-35 and p. 5, line 23 to p. 6, line 4, Kennedy teaches the managing of a supply chain model represents a chain of supply, the supply chain model comprising: site models that represent sites having capacity and that manage material flow; and seller models that represents sellers and that manage forecasting and purchasing; wherein commitments between sites is modeled by requests and promises; and wherein the seller can post requests on behalf of sites in anticipation of future requests from the sites. The requesting facilities each store forecast orders in a memory of a computer at the requesting facility. The forecast orders include request information, which includes the quantity (or range of quantities) of product requests from the supplying facility and the date (or range of dates) it is needed. A master scheduling software system may be used to selectively plan use of, for example, manufacturing capacity or the supplying facility to meet selected forecast orders based on predetermined criteria. If a feasible and desirable plan can be devised that satisfies the request, then the supplier may make a promise to the customer that he supplier will satisfy the request. The promises to meet the selected forecast orders may be transmitted directly to the customers over a computer network.);
- receiving from the manufacturer an automated response to the communicated received selection, the automated response including an availability date of the selected feature or a price of the selected feature (Kennedy: p. 4, lines 17-35 and p. 5, line 23 to p. 6, line 4, Kennedy teaches the managing of a supply chain model represents a chain of supply, the supply chain model comprising: site models that represent sites having capacity and that manage material flow; and seller models that represents sellers and that manage forecasting and purchasing; wherein commitments between sites is modeled by requests and promises; and wherein the seller can post requests on behalf of sites in anticipation of future requests from the sites. The requesting facilities each store forecast orders in a memory of a computer at the requesting facility. The forecast orders include request information, which includes the quantity (or range of quantities) of product requests from the supplying facility and the date (or range of dates) it is needed. A master scheduling software system may be used to selectively plan use of, for example, manufacturing capacity or the supplying facility to meet selected forecast orders based on predetermined criteria. If a feasible and desirable plan can be devised that satisfies the request, then the supplier may make a promise to the customer that he supplier will satisfy the request.

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The promises to meet the selected forecast orders may be transmitted directly to the customers over a computer network.);

- updating an in-process bill of materials using the automated response (Henson: col. 5, line 55 through to col. 6, line 30, Henson teaches the configurator, shopping cart, and checkout are part of the commerce application and are driven by the database. The customer via the online store builds a custom configured machine by selecting from the options listed on the configuration screen. Upon obtaining a desired configuration, a customer adds the configured system to the shopping cart. Inherently, as the customer selects the features desired, the configuration or in-process bill of material is updated.);
- using the updated in-process bill of materials to determine an availability date of the product and a price of the product based on the received selection (Henson: col. 2, line 61 through to col. 3, line 12, col. 6, lines 31-67, Henson teaches a web-based online store enabling a customer to custom configure a computer system where options and a respective price for each option is presented. The online store application includes configuration, pricing, validation, shipment delay indication, and merchandising modules. Online shoppers can click on the warning icon and receive a manually maintained listing of all items currently marked as significantly extending system delivery with an estimated time to delivery.); and
- providing, to the customer, the determined first availability date of the product and the determined price of the product (Henson: col. 6, lines 31-67, Henson teaches the online store application includes configuration, pricing, validation, shipment delay indication, and merchandising modules. Online shoppers can click on the warning icon and receive a manually-maintained listing of all items currently marked as significantly extending system delivery with an estimated time to delivery.).
- **[Claim 84]** communicating the received selection from the configuration system to the supplier system includes communicating using the Internet (Henson: col. 5, line 66 to col. 6, line 1, Henson teaches a customer can access the online store using any suitable computer equipment, via the Internet.).
- **[Claim 85]** receiving into a configuration application of the seller a selected feature, from the customer (Henson: col. 2, lines 61-67, and col. 6, lines 31-43, Henson teaches an online store application and system which includes a configuration module. The web-based online store has a user interface for enabling a custom configuration of a computer system based on the options selected according to a prescribed user input.);

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- communicating from the seller to a manufacturer the selected feature (Kennedy: p. 4, lines 17-35 and p. 5, line 23 to p. 6, line 4, Kennedy teaches the managing of a supply chain model represents a chain of supply, the supply chain model comprising: site models that represent sites having capacity and that manage material flow; and seller models that represents sellers and that manage forecasting and purchasing; wherein commitments between sites is modeled by requests and promises; and wherein the seller can post requests on behalf of sites in anticipation of future requests from the sites. The requesting facilities each store forecast orders in a memory of a computer at the requesting facility. The forecast orders include request information, which includes the quantity (or range of quantities) of product requests from the supplying facility and the date (or range of dates) it is needed. A master scheduling software system may be used to selectively plan use of, for example, manufacturing capacity or the supplying facility to meet selected forecast orders based on predetermined criteria. If a feasible and desirable plan can be devised that satisfies the request, then the supplier may make a promise to the customer that he supplier will satisfy the request. The promises to meet the selected forecast orders may be transmitted directly to the customers over a computer network.);
- receiving from the manufacturer an automated response including an availability date that corresponds to the selected feature (Kennedy: p. 4, lines 17-35 and p. 5, line 23 to p. 6, line 4, Kennedy teaches the managing of a supply chain model represents a chain of supply, the supply chain model comprising: site models that represent sites having capacity and that manage material flow; and seller models that represents sellers and that manage forecasting and purchasing; wherein commitments between sites is modeled by requests and promises; and wherein the seller can post requests on behalf of sites in anticipation of future requests from the sites. The requesting facilities each store forecast orders in a memory of a computer at the requesting facility. The forecast orders include request information, which includes the quantity (or range of quantities) of product requests from the supplying facility and the date (or range of dates) it is needed. A master scheduling software system may be used to selectively plan use of, for example, manufacturing capacity or the supplying facility to meet selected forecast orders based on predetermined criteria. If a feasible and desirable plan can be devised that satisfies the request, then the supplier may make a promise to the customer that he supplier will satisfy the request. The promises to meet the selected forecast orders may be transmitted directly to the customers over a computer network.); and
- updating an in-process bill of materials to reflect that selected feature (Henson: col. 5, line 55 through to col. 6, line 30, Henson teaches the

configurator, shopping cart, and checkout are part of the commerce application and are driven by the database. The customer via the online store builds a custom configured machine by selecting from the options listed on the configuration screen. Upon obtaining a desired configuration, a customer adds the configured system to the shopping cart. Inherently, as the customer selects the features desired, the in-process configuration or bill of material is updated.).

- **[Claim 98]** a configuration application of a seller configured for receiving a selection of a feature of the product from a customer, and for validating a number of constraints associated with the selected feature, the constraints relating to compatibility between the selected feature and other features of the product or availability of the product including the selected feature, the seller being a seller of the product to the customer (Henson: Figure 1, col. 2, lines 65-67, and col. 7, lines 57-66, Henson teaches a configurator is provided for configuring a computer system with options selected according to a user input. The online store includes validation of a configuration built by a customer whereby a validation message is sent indicating an occurrence of when the options selected are not correct or will adversely affect the shipment.);
- a communication module coupled to the configuration application for communicating the selected feature from the seller to a supplier, and for receiving over the internet an availability date of the selected feature from the supplier to the configuration application, the supplier being a supplier of the selected feature to the seller (Henson: Figure 1, col. 4, lines 53-62 and col. 6, lines 31-67, Henson teaches an enhanced online store user interface which enables the system configuration, pricing, and ordering of a computer system via the Internet. The online store has a shipment delay indicator that provides the customer with advance notice that a particular option will result in a shipment delay. The indicator may further include an indication of a certain amount of time for a delay with an estimated time to delivery. Kennedy: p. 4, lines 17-35 and p. 5, line 23 to p. 6, line 4, Kennedy teaches the managing of a supply chain model represents a chain of supply, the supply chain model comprising: site models that represent sites having capacity and that manage material flow; and seller models that represents sellers and that manage forecasting and purchasing; wherein commitments between sites is modeled by requests and promises; and wherein the seller can post requests on behalf of sites in anticipation of future requests from the sites. The requesting facilities each store forecast orders in a memory of a computer at the requesting facility. The forecast orders include request information, which includes the quantity (or range of quantities) of product requests from the supplying facility and the date (or range of dates) it is needed. A master scheduling software system may be used to selectively plan use of, for

- example, manufacturing capacity or the supplying facility to meet selected forecast orders based on predetermined criteria. If a feasible and desirable plan can be devised that satisfies the request, then the supplier may make a promise to the customer that he supplier will satisfy the request. The promises to meet the selected forecast orders may be transmitted directly to the customers over a computer network.); and
- a first storage area coupled to one of the configuration application and the communication module for storing an in-process bill of materials that reflects the selected feature (Henson: Figure 1, col. 3, lines 4-6, and col. 5, lines 9-13, and 57-58, Henson teaches the configurator, cart, and checkout are driven off the database. The cart provides temporary storage of the customer configured computer system.).
 - **[Claim 104]** a second storage area coupled to one of the configuration application and the communication module for storing an in-process manufacturing bill of materials that reflects the availability date of the selected product feature; and a third storage area coupled to one of the configuration application and the communication module for storing an in-process pricing bill of materials that reflects a price of the selected product feature (Henson: Figure 1 and 11, col. 4, line 53 through to col. 5, line 5, and col. 6, lines 5-51, Henson teaches a hard disk drive and other storage devices all interconnected via one or more buses. The commerce application includes a configurator and database. The database provides information to the configurator which includes a pricing module, a view module, a lead time warning module, and a merchandising module.)
 - **[Claim 105]** the communication module is also for communicating a price of the selected product feature from the supplier to the configuration application (Henson: Figure 1, col. 2, line 61 through to col. 3, line 11, Henson teaches a commerce application where options selected by the user receive a price that is displayed on a configurator web page).
 - **[Claim 106]** an availability date communication module for communicating the availability date of the selected product feature from the supplier to the configuration application (Henson: Figure 1, col. 6, lines 31-67, Henson teaches a lead time module with a shipment delay indicator that provides the customer with any lead time warnings or shipment delays associated with selection of specific options);
 - and a price communication module for communicating the price of the selected product feature to the configuration application (Henson: Figure 1, col. 2, line 61 through to col. 3, line 12, Henson teaches pricing module as part of a web-based online store enabling a customer to custom configure a

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computer system where options and a respective price for each option is presented).

- **[Claim 109]** a user interface coupled to the configuration application for allowing the customer to interact with the system (Henson: Figure 11, col. 2, lines 61-67, Henson teaches a web-based online store having a user interface for enabling a custom configuration of a computer system).
- **[Claim 110]** an inventory library coupled to the configuration application for providing the customer a number of the configurable features that can be selected to configure the product (Henson: Figure 1, col. 3, lines 13-29, Henson teaches the configurator coupled to a database and includes merchandising recommendations for available options that are presented on the configurator web page. The examiner interprets the database to be the inventory library.).
- **[Claim 119]** the availability date received from the manufacturer over the Internet is provided by an enterprise resource planning (ERP) system (Henson: col. 2, line 61 through to col. 3, line 12, and col. 6, lines 31-67, Henson teaches a web-based online store enabling a customer to custom configure a computer system where options and a respective price for each option is presented. A shipment delay indicator provides the customer with any lead-time warnings or shipment delays associated with the selection of specific options and when the shopper clicks on the icon will receive an estimated time to delivery. Kennedy: p. 4, lines 17-35 and p. 5, line 23 to p. 6, line 4, Kennedy teaches the managing of a supply chain model represents a chain of supply, the supply chain model comprising: site models that represent sites having capacity and that manage material flow; and seller models that represents sellers and that manage forecasting and purchasing; wherein commitments between sites is modeled by requests and promises; and wherein the seller can post requests on behalf of sites in anticipation of future requests from the sites. The requesting facilities each store forecast orders in a memory of a computer at the requesting facility. The forecast orders include request information, which includes the quantity (or range of quantities) of product requests from the supplying facility and the date (or range of dates) it is needed. The Examiner interprets a supply chain model to be an enterprise resource planning (ERP) system.).

Claims 86-87, 91-92, 96, 99, 103, 107, and 118 substantially recite the same limitations as that of claims 50-52, 55-56, 60 and 98 with the distinction of the recited method

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being a method and a system. Hence the same rejection for claims 50-52, 55-56, 60 and 98 as applied above applies to claims 86-87, 91-92, 96, 99, 103, 107, and 118.

15. Claims **39, 52-54, 57-59, 62, 64, 75, 88-90, 93-95, 100-102, 111-117, 120-122, and 124-130** are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson (U.S. Patent 6,167,383) and Kennedy (UK Patent Application GB 2,302,427 A) in view of Conklin et al. (U.S. Patent 6,141,653). Henson and Kennedy disclose extended product configuration techniques comprising:

- **[Claim 39]** receiving a feature selection at a seller (Henson: col. 2, lines 61-67, and col. 6, lines 31-43, Henson teaches an online store application and system which includes a configuration module. The web-based online store has a user interface for enabling a custom configuration of a computer system based on the options selected according to a prescribed user input.);
- updating an inventory library based upon the received selection to reflect constraints imposed by the received feature selection, the constraints relating to a technical feature limitation, a price limitation or availability of the configurable product (Henson: col. 5, line 55 through to col. 6, line 67 , Henson teaches the configurator, shopping cart, and checkout are part of the commerce application and are driven by the database. The customer via the online store builds a custom configured machine by selecting from the options listed on the configuration screen. Upon obtaining a desired configuration, a customer adds the configured system to the shopping cart. An on-line store application includes configuration, pricing, validation, shipment delay indication, and merchandising modules. The shipment delay indicator provides the customer with any lead-time warnings or shipment delays which would occur as a result of the selection of specific options. The warning icon and associated messaging are made present in the configurator once an update/refresh of the web page has been requested. Online shoppers can click on the warning icon and receive a manually maintained listing of all items currently marked as significantly extending system delivery with an estimated time to delivery.);
- providing the received selection to a supplier (Kennedy: p. 4, lines 17-35, Kennedy teaches at least one seller model representing a seller that is selling

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- at least one product, the seller model operable to forecast for the at least one product and operable to choose commitment levels creating forecast requests; the forecast requests receiving promises make by supplier sites; and the promises available to the seller entity to promise to actual customer requests.);
- receiving information from the supplier comprising at least one of availability date and price for the received selection (Henson: col. 6, lines 18-67, Henson teaches the pricing option module includes an update price function that causes the price displayed on the configuration screen to reflect any changes made to the system options. A shipment delay indicator provides the customer with any lead-time warnings or shipment delays which would occur as a result of the selection of specific options. Online shoppers can click on a long lead-time icon that is displayed adjacent to each item affected and receive and estimated time to delivery. Kennedy: p. 4, lines 17-35, Kennedy teaches at least one seller model representing a seller that is selling at least one product, the seller model operable to forecast for the at least one product and operable to choose commitment levels creating forecast requests; the forecast requests receiving promises make by supplier sites; and the promises available to the seller entity to promise to actual customer requests.);
 - updating at least one of a manufacturing bill of materials, a pricing bill of materials, and a configuration bill of materials based on the received selection (Henson: col. 5, line 55 through to col. 6, line 30, Henson teaches the configurator, shopping cart, and checkout are part of the commerce application and are driven by the database. The customer via the online store builds a custom configured machine by selecting from the options listed on the configuration screen. Upon obtaining a desired configuration, a customer adds the configured system to the shopping cart. Inherently, as the customer selects the features desired, the in-process configuration or configuration bill of material is updated.).

Henson and Kennedy fail to teach, where customer desires are not satisfied, providing at least one of a customer desired availability date and a customer desired price for the selection, providing accommodation data from the supplier, the accommodation data responsive to at least one of the customer desired availability date and the customer desired price for the selection and wherein the customer desires comprise either at least one of a plurality of availability dates or at least one of a plurality of prices for the

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selected feature. Conklin et al. teaches a multivariate negotiation engine for iterative bargaining. The system allows a buyer/participant to search and evaluate seller information, propose and negotiate orders and counteroffers that include all desired terms. The system provides comprehensive iterative bargaining abilities for both buyers and sellers that enable them to negotiate all the terms and conditions of a transaction – not just the price. An internal database contains the history of all transactions, so that sponsors, buyers, and sellers may retrieve appropriate records to document each stage of interaction and negotiation (col. 13, line 66 through to col. 14, line 31). The examiner interprets “iterative” in this application to mean repeating the process in which a plurality of availability dates and/or a plurality of prices are displayed over a period of time and recorded until the process is complete. It is old and well known in the negotiation art to negotiate both price and delivery of product concurrently. It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to include a multivariate negotiation engine with Henson and Kennedy since Kennedy teaches the customer may be able to choose to have it for a low price but a week later than requested, or by the date requested but 10% higher price. (p. 17, lines 19-21). Companies realize the cost advantage of doing business over the Internet. Allowing the customer to negotiate price, terms, conditions, etc. over the Internet would minimize the need for the customer to physically go to a company’s place of business. The customer having the ability to negotiate all aspects of doing business with the company over the Internet would reduce the overall cost of the transaction for both the customer and company.

- **[Claim 52]** in response to the received availability date being unsatisfactory to the customer, communicating a customer specified availability date to at least one of the seller and manufacturer (Conklin et al.: col. 13, line 66 through to col. 14, line 31, Conklin et al. teach a multivariate negotiation engine for iterative bargaining. The system allows a buyer/participant to search and evaluate seller information, propose and negotiate orders and counteroffers that include all desired terms. The system provides comprehensive iterative bargaining abilities for both buyers and sellers that enable them to negotiate all the terms and conditions of a transaction – not just the price. The examiner interprets terms to include availability date.).
- **[Claim 53]** wherein the availability date received from the manufacturer is in response to a customer specified availability date communicated to at least one of the seller and manufacturer (Conklin et al.: col. 13, line 66 through to col. 14, line 31, Conklin et al. teach a multivariate negotiation engine for iterative bargaining. The system allows a buyer/participant to search and evaluate seller information, propose and negotiate orders and counteroffers that include all desired terms. The system provides comprehensive iterative bargaining abilities for both buyers and sellers that enable them to negotiate all the terms and conditions of a transaction – not just the price. The examiner interprets terms to include availability date.).
- **[Claim 54]** wherein the availability date received from the manufacturer is in response to a customer specified price communicated to at least one of the seller and manufacturer (Conklin et al.: col. 13, line 66 through to col. 14, line 31, Conklin et al. teach a multivariate negotiation engine for iterative bargaining. The system allows a buyer/participant to search and evaluate seller information, propose and negotiate orders and counteroffers that include all desired terms. The system provides comprehensive iterative bargaining abilities for both buyers and sellers that enable them to negotiate all the terms and conditions of a transaction – not just the price. The examiner interprets terms to include availability date.).
- **[Claim 57]** in response to the received price being unsatisfactory to the customer, communicating a customer specified price to at least one of the seller and manufacturer (Conklin et al.: col. 13, line 66 through to col. 14, line 31, Conklin et al. teach a multivariate negotiation engine for iterative bargaining. The system allows a buyer/participant to search and evaluate seller information, propose and negotiate orders and counteroffers that include all desired terms. The system provides comprehensive iterative bargaining abilities for both buyers and sellers that enable them to negotiate all the terms and conditions of a transaction – not just the price.).

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- **[Claim 58]** wherein the price received is in response to a customer specified availability date communicated to at least one of the seller and manufacturer (Conklin et al.: col. 13, line 66 through to col. 14, line 31, Conklin et al. teach a multivariate negotiation engine for iterative bargaining. The system allows a buyer/participant to search and evaluate seller information, propose and negotiate orders and counteroffers that include all desired terms. The system provides comprehensive iterative bargaining abilities for both buyers and sellers that enable them to negotiate all the terms and conditions of a transaction – not just the price. The examiner interprets the terms and condition to include availability date.).
- **[Claim 59]** wherein the price received is in response to a customer specified price communicated to at least one of the seller and manufacturer (Conklin et al.: col. 13, line 66 through to col. 14, line 31, Conklin et al. teach a multivariate negotiation engine for iterative bargaining. The system allows a buyer/participant to search and evaluate seller information, propose and negotiate orders and counteroffers that include all desired terms. The system provides comprehensive iterative bargaining abilities for both buyers and sellers that enable them to negotiate all the terms and conditions of a transaction – not just the price.).
- **[Claim 62]** wherein the pricing bill of materials is derived from the configuration bill of materials (Henson: Figure 1, col. 4, line 53 through to col. 5, line 5, col. 6, lines 55-65, Henson teaches the entire configurator is driven by the database. The configurator includes a pricing module. The examiner interprets that once a customer selects or configures their system the pricing module then established a price for the selected feature, therefore the pricing bill of material is derived from the configuration bill of material.).
- **[Claim 64]** the step of updating at least one of a manufacturing bill of materials, a pricing bill of materials, and a configuration bill of materials is based upon the accommodation data from the supplier (Henson: col. 5, line 55 through to col. 6, line 67, Henson teaches the configurator, shopping cart, and checkout are part of the commerce application and are driven by the database. The customer via the online store builds a custom configured machine by selecting from the options listed on the configuration screen. Upon obtaining a desired configuration, a customer adds the configured system to the shopping cart. An on-line store application includes configuration, pricing, validation, shipment delay indication, and merchandising modules. The shipment delay indicator provides the customer with any lead-time warnings or shipment delays which would occur as a result of the selection of specific options. The warning icon and associated messaging are made present in the configurator once an update/refresh of the web page has been requested. Online shoppers can click on the warning

- icon and receive a manually maintained listing of all items currently marked as significantly extending system delivery with an estimated time to delivery. Kennedy: p. 7, lines 17-23, Kennedy teaches an entire distributed organization of suppliers and customers can be modeled along with the request and promises placed between them. In this way, planners can view, manage, and plan the activity of a whole network where the interfaces between elements must be formal (separate organizations)).
- **[Claim 75]** the received feature price is responsive to a customer specified availability date communicated to the seller and to the manufacturer (Conklin et al.: col. 13, line 66 through to col. 14, line 31, Conklin et al. teach a multivariate negotiation engine for iterative bargaining. The system allows a buyer/participant to search and evaluate seller information, propose and negotiate orders and counteroffers that include all desired terms. The system provides comprehensive iterative bargaining abilities for both buyers and sellers that enable them to negotiate all the terms and conditions of a transaction – not just the price.).
 - **[Claim 111]** communicating a customer selection of a product feature to the supplier, the supplier being a supplier of the product to the customer (Henson: col. 2, lines 61-67, and col. 6, lines 31-43, Henson teaches an online store application and system which includes a configuration module. The web-based online store has a user interface for enabling a custom configuration of a computer system based on the options selected according to a prescribed user input. The examiner interprets the system to be that of the seller and as indicated above, the seller and supplier are considered the same. Kennedy: p. 7, lines 17-23, Kennedy teaches an entire distributed organization of suppliers and customers can be modeled along with the request and promises placed between them. In this way, planners can view, manage, and plan the activity of a whole network where the interfaces between elements must be formal (separate organizations));
 - receiving at the customer an availability date from the supplier, the availability date corresponding to the customer selected product feature (Henson: col. 6, lines 35-67, and col. 14, line 62 through to col. 15, line 8, Henson teaches if any item has a lead time over three weeks, the lead time flags would be set within the online store. The shipment delay indicator provides the customer with any lead-time warnings or shipment delays which would occur as a result of the selection of specific options. The warning icon and associated messaging are made present in the configurator once an update/refresh of the web page has been requested, for example, through clicking on any of a number of store navigation or action buttons. Online shoppers can click on the warning icon and receive an estimated time to delivery. Kennedy: p. 4, lines 17-35 and p. 5, line 23 to p. 6, line 4, Kennedy teaches the managing of

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a supply chain model represents a chain of supply, the supply chain model comprising: site models that represent sites having capacity and that manage material flow; and seller models that represents sellers and that manage forecasting and purchasing; wherein commitments between sites is modeled by requests and promises; and wherein the seller can post requests on behalf of sites in anticipation of future requests from the sites. The requesting facilities each store forecast orders in a memory of a computer at the requesting facility. The forecast orders include request information, which includes the quantity (or range of quantities) of product requests from the supplying facility and the date (or range of dates) it is needed. A master scheduling software system may be used to selectively plan use of, for example, manufacturing capacity or the supplying facility to meet selected forecast orders based on predetermined criteria. If a feasible and desirable plan can be devised that satisfies the request, then the supplier may make a promise to the customer that he supplier will satisfy the request. The promises to meet the selected forecast orders may be transmitted directly to the customers over a computer network.):

- communicating a customer specified new availability date too the supplier in response to the availability date received from the supplier being unsatisfactory to the customer (Conklin et al.: col. 13, line 66 through to col. 14, line 31, Conklin et al. teaches a multivariate negotiation engine for iterative bargaining that enables participants such as a customer and supplier to search and evaluate supplier information, propose, and negotiate orders and counteroffers. All multiple variables such as prices, terms, conditions, etc. are iteratively negotiated with a customer. The examiner interprets availability date to be a term and/or condition.):
- receiving from the supplier an automated response including an accommodation based on the customer specified new availability date (Conklin et al.: col. 13, line 66 through to col. 14, line 31, Conklin et al. teaches a multivariate negotiation engine for iterative bargaining that enables participants such as a customer and supplier to search and evaluate supplier information, propose, and negotiate orders and counteroffers. All multiple variables such as prices, terms, conditions, etc. are iteratively negotiated with a customer. The examiner interprets availability date to be a term and/or condition.).
- [**Claim 112**] updating a bill of materials to reflect the accommodation received from the supplier (Henson: col. 5, line 55 through to col. 6, line 30, Henson teaches the configurator, shopping cart, and checkout are part of the commerce application and are driven by the database. The customer via the online store builds a custom configured machine by selecting from the options listed on the configuration screen. Upon obtaining a desired configuration, a

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customer adds the configured system to the shopping cart. Inherently, as the customer selects the features desired, the configuration or in-process bill of material is updated.).

- **[Claim 113]** the accommodation is one of an availability date that satisfies the customer specified availability date, and a reduced price (Conklin et al.: col. 13, line 66 through to col. 14, line 31, Conklin et al. teaches a multivariate negotiation engine for iterative bargaining that enables participants such as a customer and supplier to search and evaluate supplier information, propose, and negotiate orders and counteroffers. All multiple variables such as prices, terms, conditions, etc. are iteratively negotiated with a customer. The examiner interprets availability date to be a term and/or condition.).
- **[Claim 115]** receiving from a supplier over the Internet an availability date that corresponds to a product feature selected by a customer, the supplier being a supplier to a seller, the customer being a customer of the seller (Henson: col. 2, lines 61-67, col. 3, lines 61-67, col. 6, lines 5-17 and 31-43, and col. 7, lines 1-12, Henson teaches a web-based online store using a computer system with a central processing unit. The online store application and system includes a configuration module and a user interface for enabling a custom configuration of a computer system based on the options selected according to a prescribed user input. A shipment delay indicator provides the customer with advance notice that a particular option will result in a shipment delay. The warning icon and associated messaging are made present in the configurator once an update/refresh of the web page has been requested, for example, through clicking on any of a number of store navigation or action buttons. Online shoppers can click on the warning icon and receive an estimated time to delivery. Kennedy: p. 4, lines 17-35 and p. 5, line 23 to p. 6, line 4, Kennedy teaches the managing of a supply chain model represents a chain of supply, the supply chain model comprising: site models that represent sites having capacity and that manage material flow; and seller models that represents sellers and that manage forecasting and purchasing; wherein commitments between sites is modeled by requests and promises; and wherein the seller can post requests on behalf of sites in anticipation of future requests from the sites. The requesting facilities each store forecast orders in a memory of a computer at the requesting facility. The forecast orders include request information, which includes the quantity (or range of quantities) of product requests from the supplying facility and the date (or range of dates) it is needed. A master scheduling software system may be used to selectively plan use of, for example, manufacturing capacity or the supplying facility to meet selected forecast orders based on predetermined criteria. If a feasible and desirable plan can be devised that satisfies the request, then the supplier may make a promise to the customer that he supplier will satisfy the request. The promises to meet the selected forecast

orders may be transmitted directly to the customers over a computer network.);

- in response to the availability date being unsatisfactory to the customer, communicating over the Internet a customer specified availability date to the supplier (Conklin et al.: col. 13, line 66 through to col. 14, line 31, Conklin et al. teaches a multivariate negotiation engine for iterative bargaining that enables participants such as a customer and supplier to search and evaluate supplier information, propose, and negotiate orders and counteroffers. All multiple variables such as prices, terms, conditions, etc. are iteratively negotiated with a customer. The examiner interprets availability date to be a term and/or condition.); and
- receiving from the supplier over the Internet an automated response including an accommodation based on the customer specified availability date (Conklin et al.: col. 13, line 66 through to col. 14, line 31, Conklin et al. teaches a multivariate negotiation engine for iterative bargaining that enables participants such as a customer and supplier to search and evaluate supplier information, propose, and negotiate orders and counteroffers. All multiple variables such as prices, terms, conditions, etc. are iteratively negotiated with a customer. The examiner interprets availability date to be a term and/or condition. Kennedy: p. 4, lines 17-35 and p. 5, line 23 to p. 6, line 13, Kennedy teaches the managing of a supply chain model represents a chain of supply, the supply chain model comprising: site models that represent sites having capacity and that manage material flow; and seller models that represents sellers and that manage forecasting and purchasing; wherein commitments between sites is modeled by requests and promises; and wherein the seller can post requests on behalf of sites in anticipation of future requests from the sites. The requesting facilities each store forecast orders in a memory of a computer at the requesting facility. The forecast orders include request information, which includes the quantity (or range of quantities) of product requests from the supplying facility and the date (or range of dates) it is needed. A master scheduling software system may be used to selectively plan use of, for example, manufacturing capacity or the supplying facility to meet selected forecast orders based on predetermined criteria. If a feasible and desirable plan can be devised that satisfies the request, then the supplier may make a promise to the customer that he supplier will satisfy the request. The promises to meet the selected forecast orders may be transmitted directly to the customers over a computer network. Where customers are not willing to wait for a plan to be developed to get a promise, the supplying facility must create promises in advance that are available for immediate transfer to a customer. The Examiner interprets immediate to imply automatic.).

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- **[Claim 116]** updating a bill of material to reflect the accommodation received from the supplier (Henson: col. 2, lines 61-67, col. 3, lines 61-67, col. 5, line 55 through to col. 6, line 43, and col. 7, lines 1-12, Henson teaches a web-based online store using a computer system with a central processing unit. The online store application and system includes a configuration module and a user interface for enabling a custom configuration of a computer system based on the options selected according to a prescribed user input. The configurator, shopping cart, and checkout are part of the commerce application and are driven by the database. The customer via the online store builds a custom configured machine by selecting from the options listed on the configuration screen. A shipment delay indicator provides the customer with advance notice that a particular option will result in a shipment delay. The warning icon and associated messaging are made present in the configurator once an update/refresh of the web page has been requested, for example, through clicking on any of a number of store navigation or action buttons. Online shoppers can click on the warning icon and receive an estimated time to delivery. Upon obtaining a desired configuration, a customer adds the configured system to the shopping cart. Inherently, as the customer selects the features desired, the in-process configuration or bill of material is updated.)
- **[Claim 117]** responsive to a customer selecting a feature of the product, receiving over the Internet at a seller an automated response including an availability date that corresponds to the selected feature, the automated response being from a manufacturer of the selected feature (Henson: col. 2, lines 61-67, col. 3, lines 61-67, col. 6, lines 5-17 and 31-43, and col. 7, lines 1-12, Henson teaches a web-based online store using a computer system with a central processing unit. The online store application and system includes a configuration module and a user interface for enabling a custom configuration of a computer system based on the options selected according to a prescribed user input. A shipment delay indicator provides the customer with advance notice that a particular option will result in a shipment delay. The warning icon and associated messaging are made present in the configurator once an update/refresh of the web page has been requested, for example, through clicking on any of a number of store navigation or action buttons. Online shoppers can click on the warning icon and receive an estimated time to delivery. Kennedy: p. 4, lines 17-35 and p. 5, line 23 to p. 6, line 4, Kennedy teaches the managing of a supply chain model represents a chain of supply, the supply chain model comprising: site models that represent sites having capacity and that manage material flow; and seller models that represents sellers and that manage forecasting and purchasing; wherein commitments between sites is modeled by requests and promises; and wherein the seller can post requests on behalf of sites in anticipation of future requests from the sites. The requesting facilities each store forecast

orders in a memory of a computer at the requesting facility. The forecast orders include request information, which includes the quantity (or range of quantities) of product requests from the supplying facility and the date (or range of dates) it is needed. A master scheduling software system may be used to selectively plan use of, for example, manufacturing capacity or the supplying facility to meet selected forecast orders based on predetermined criteria. If a feasible and desirable plan can be devised that satisfies the request, then the supplier may make a promise to the customer that he supplier will satisfy the request. The promises to meet the selected forecast orders may be transmitted directly to the customers over a computer network.);

- responsive to the received availability date being unsatisfactory to the customer, communicating a customer specified availability date to the manufacturer (Conklin et al.: col. 13, line 66 through to col. 14, line 31, Conklin et al. teaches a multivariate negotiation engine for iterative bargaining that enables participants such as a customer and supplier to search and evaluate supplier information, propose, and negotiate orders and counteroffers. All multiple variables such as prices, terms, conditions, etc. are iteratively negotiated with a customer. The examiner interprets availability date to be a term and/or condition.)
- updating an in-process bill of materials to reflect the selected feature (Henson: col. 5, line 55 through to col. 6, line 30, Henson teaches the configurator, shopping cart, and checkout are part of the commerce application and are driven by the database. The customer via the online store builds a custom configured machine by selecting from the options listed on the configuration screen. Upon obtaining a desired configuration, a customer adds the configured system to the shopping cart. Inherently, as the customer selects the features desired, the in-process configuration or bill of material is updated.); and
- in response to the customer being satisfied with a set of sales parameters including the availability date of the selected feature, submitting a completed bill of materials to the manufacturer over the Internet (Henson: col. 5, line 55 through to col. 6, line 30, Henson teaches the configurator, shopping cart, and checkout are part of the commerce application and are driven by the database. The customer via the online store builds a custom configured machine by selecting from the options listed on the configuration screen. Upon obtaining a desired configuration, a customer adds the configured system to the shopping cart. Implicitly, when the customer finishes selection of the features and moves the selection to the shopping cart, the product configuration or bill of material is completed. Kennedy: p. 4, lines 17-35 and p. 5, line 23 to p. 6, line 4, Kennedy teaches the managing of a supply chain

- model represents a chain of supply, the supply chain model comprising: site models that represent sites having capacity and that manage material flow; and seller models that represents sellers and that manage forecasting and purchasing; wherein commitments between sites is modeled by requests and promises; and wherein the seller can post requests on behalf of sites in anticipation of future requests from the sites. The requesting facilities each store forecast orders in a memory of a computer at the requesting facility. The forecast orders include request information, which includes the quantity (or range of quantities) of product requests from the supplying facility and the date (or range of dates) it is needed. A master scheduling software system may be used to selectively plan use of, for example, manufacturing capacity or the supplying facility to meet selected forecast orders based on predetermined criteria. If a feasible and desirable plan can be devised that satisfies the request, then the supplier may make a promise to the customer that he supplier will satisfy the request. The promises to meet the selected forecast orders may be transmitted directly to the customers over a computer network.).
- **[Claim 120]** wherein the step of communicating a customer specified availability date to the manufacturer is followed by receiving from the manufacturer an automated response including an accommodation in response to the customer specified availability date (Conklin et al.: col. 13, line 66 through to col. 14, line 31, Conklin et al. teach a multivariate negotiation engine for iterative bargaining. The system allows a buyer/participant to search and evaluate seller information, propose and negotiate orders and counteroffers that include all desired terms. The system provides comprehensive iterative bargaining abilities for both buyers and sellers that enable them to negotiate all the terms and conditions of a transaction – not just the price. The examiner interprets terms to include availability date.).
 - **[Claim 121]** receiving at a seller a feature selection by the customer (Henson: col. 2, lines 61-67, and col. 6, lines 31-43, Henson teaches an online store application and system which includes a configuration module. The web-based online store has a user interface for enabling a custom configuration of a computer system based on the options selected according to a prescribed user input.);
 - updating an inventory library based upon the received selection to reflect constraints imposed by the received selection (Henson: col. 5, line 55 through to col. 6, line 67, Henson teaches the configurator, shopping cart, and checkout are part of the commerce application and are driven by the database. The customer via the online store builds a custom configured machine by selecting from the options listed on the configuration screen.

Upon obtaining a desired configuration, a customer adds the configured system to the shopping cart. An on-line store application includes configuration, pricing, validation, shipment delay indication, and merchandising modules. The shipment delay indicator provides the customer with any lead-time warnings or shipment delays which would occur as a result of the selection of specific options. The warning icon and associated messaging are made present in the configurator once an update/refresh of the web page has been requested. Online shoppers can click on the warning icon and receive a manually maintained listing of all items currently marked as significantly extending system delivery with an estimated time to delivery. The examiner interprets a shipping delay to be a constraint.);

- providing the received selection to a supplier, the supplier being a supplier of the feature to the seller (Henson: col. 4, lines 53-62 and col. 6, lines 31-67, Henson teaches an enhanced online store user interface which enables the system configuration, pricing, and ordering of a computer system via the Internet. Kennedy: p. 4, lines 17-35 and p. 5, line 23 to p. 6, line 4, Kennedy teaches the managing of a supply chain model represents a chain of supply, the supply chain model comprising: site models that represent sites having capacity and that manage material flow; and seller models that represents sellers and that manage forecasting and purchasing; wherein commitments between sites is modeled by requests and promises; and wherein the seller can post requests on behalf of sites in anticipation of future requests from the sites. The requesting facilities each store forecast orders in a memory of a computer at the requesting facility. The forecast orders include request information, which includes the quantity (or range of quantities) of product requests from the supplying facility and the date (or range of dates) it is needed. A master scheduling software system may be used to selectively plan use of, for example, manufacturing capacity or the supplying facility to meet selected forecast orders based on predetermined criteria. If a feasible and desirable plan can be devised that satisfies the request, then the supplier may make a promise to the customer that he supplier will satisfy the request. The promises to meet the selected forecast orders may be transmitted directly to the customers over a computer network.);
- receiving information from the supplier comprising at least one of availability date and price for the received selection (Henson: col. 6, lines 18-67, Henson teaches the pricing option module includes an update price function that causes the price displayed on the configuration screen to reflect any changes made to the system options. A shipment delay indicator provides the customer with any lead-time warnings or shipment delays which would occur as a result of the selection of specific options. Online shoppers can click on a long lead time icon that is displayed adjacent to each item affected and receive and estimated time to delivery.);

- where customer desires are not satisfied, providing at least one of a customer desired availability date and a customer desired price for the received selection (Conklin et al.: col. 13, line 66 through to col. 14, line 31, Conklin et al. teaches a multivariate negotiation engine for iterative bargaining that enables participants such as a customer and supplier to search and evaluate supplier information, propose, and negotiate orders and counteroffers. All multiple variables such as prices, terms, conditions, etc. are iteratively negotiated with a customer. The examiner interprets availability date to be a term and/or condition.);
- displaying accommodation data from the supplier corresponding to the customer desires (Conklin et al.: col. 13, line 66 through to col. 14, line 31, Conklin et al. teaches a multivariate negotiation engine for iterative bargaining that enables participants such as a customer and supplier to search and evaluate supplier information, propose, and negotiate orders and counteroffers. All multiple variables such as prices, terms, conditions, etc. are iteratively negotiated with a customer. The examiner interprets availability date to be a term and/or condition.); and
- updating at least one of a manufacturing bill of materials, a pricing bill of materials, and a configuration bill of materials based on the selection (Henson: col. 5, line 55 through to col. 6, line 30, Henson teaches the configurator, shopping cart, and checkout are part of the commerce application and are driven by the database. The customer via the online store builds a custom configured machine by selecting from the options listed on the configuration screen. Upon obtaining a desired configuration, a customer adds the configured system to the shopping cart. Inherently, as the customer selects the features desired, the in-process configuration or configuration bill of material is updated.);
- **[Claim 126]** wherein the user interface, configuration engine, and supplier system are remotely located with respect to each other (Henson: col. 2, lines 61-65, Henson teaches a web-based online store having a user interface for enabling a custom configuration of a computer system. Kennedy: p. 7, lines 18-20, Kennedy teaches an entire distributed organization of suppliers and customers can be modeled along with the requests and promises placed between them.);
- **[Claim 128]** providing to a customer a selectable feature and at least one of price and availability date of the selectable feature (Henson: col. 2, lines 61-67, and col. 6, lines 18-67, Henson teaches an online store application and system which includes a configuration module. The web-based online store has a user interface for enabling a custom configuration of a computer system

based on the options selected according to a prescribed user input. A pricing option module includes an update price function that causes the price displayed on the configuration screen to reflect any changes made to the system options. A shipment delay indicator provides the customer with any lead-time warnings or shipment delays which would occur as a result of the selection of specific options. Online shoppers can click on a long lead time icon that is displayed adjacent to each item affected and receive and estimated time to delivery.);

- conveying to the supplier at least one of a customer desired availability date and a customer desired price (Conklin et al.: col. 13, line 66 through to col. 14, line 31, Conklin et al. teaches a multivariate negotiation engine for iterative bargaining that enables participants such as a customer and supplier to search and evaluate supplier information, propose, and negotiate orders and counteroffers. All multiple variables such as prices, terms, conditions, etc. are iteratively negotiated with a customer. The examiner interprets availability date to be a term and/or condition.); and
- supplying an automated response to a seller, the automated response including an accommodation from the supplier based on the at least one of a customer desired availability date and a customer desired price (Conklin et al.: col. 13, line 66 through to col. 14, line 31, Conklin et al. teaches a multivariate negotiation engine for iterative bargaining that enables participants such as a customer and supplier to search and evaluate supplier information, propose, and negotiate orders and counteroffers. All multiple variables such as prices, terms, conditions, etc. are iteratively negotiated with a customer. The examiner interprets availability date to be a term and/or condition.).
- **[Claim 129]** the customer is chosen from a set consisting of a retailer, wholesaler, manufacturer and distributor, of the product (Henson: col. 13, line 6-28, Henson teaches a personal and business customer where a business online store is created. The examiner interprets a business to any one of a retailer, wholesaler, manufacturer, or distributor.).
- **Claim 130]** the supplier is chosen from a set consisting of a retailer, wholesaler, manufacturer, distributor and vendor, of the product (Kennedy: p. 5, lines 15-17, and p. 7, lines 17-20, Kennedy teaches an entire distributed organization of suppliers and customers can be modeled along with the requests and promises placed between them. The distributed organization comprises at least one supplying facility such as a factory. The Examiner interprets factory to be a manufacturer.)

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Claims 88-90, 93-95, 100-102, 114, 122, 124, 125 and 127 recite substantially the same limitations as that of claims 52-54, 57-59, 62, 64, 117 and 121 with the distinction of the recited method being a method and a system. Hence the same rejection for claims 52-54, 57-59, 62, 64, 117 and 121 as applied above applies to claims 65, 67, 88-90, 93-95, 100-102, 114, 122, 124, 125 and 127.

Allowable Subject Matter

16. **Claims 61, 63, 97, 108, and 123** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. **Claims 70 and 71** would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

18. **Claims 40, 65-67, and 76-82** are allowed.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kennedy (WO 00/17795) discloses a fulfillment server for managing ATP data in a distributed supply chain planning environment.
- Kennedy et al. (U.S. Patent 6,055,519) discloses a framework for negotiation and tracking of sales of goods.

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- Bellini et al. (U.S. Patent 5,974,395) disclose a system and method for extended enterprise planning across a supply chain.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 4:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(703) 872-9306 [Official communications; including After Final communications labeled "**Box AF**"]

(703) 746-9419 [Informal/Draft communication, labeled "**PROPOSED**" or "**DRAFT**"]

Hand delivered responses should be brought to 220 South 20th Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

mch
03 February 2005

Susanna Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER
Au 3623